IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

TAKEN UP WRIT PETITION NO : 9837 of 2004

Between:

A. Ramachandraiah and Others, Residents of Vijayanagaram Street and Sambaiahgari Street,
Proddatur Town, Kadapa District.

..... PETITIONER

AND

1 A.P. Pollution Control Board, Regional Office, Tirupathi Rep. by Environmental Engineer,
Tirupathi.
2 The Municipal Commissioner, Produtur, Kadapa District.
3 The District Collector, Kadapa, Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the letter dt. 19.1.2004 sent by the petitioner the High Court will be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus calling for remarks and records from the Respondents herein in and connected to the discharge of untreated effluents into Municipal drain without any treatment thereby causing ground, surface water pollution and smell nuisance to the residents in the area due to the inaction of the Municipal Commissioner, Proddatur, in complying with the order dated 21-3-2003 of the Andhra Pradesh Pollution Control Board Tirupathi, Chittoor District, within three months. In identifying all the dying units in and around Proddatur, their capacities their water consumption and extent of land required to reallocate these units, identify

the land where these units can be shifted and treatment proposals for treating these effluents through a CETP and a final action plan with the above information to be submitted to the A.P.P.C.B., and pass appropriate orders directing the concerned authorities to initiate legal action against the six dying units located in and around Proddatur, i.e., Vijayanagaram Street and Sambaiahgari Street and to pass such other of further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: PETITION

Counsel for the Respondent No.1: MR.E.KALYAN RAM

Counsel for the Respondent No.2: --------

Counsel for the Respondents 3: G.P. for Irrigation & Command Area Development

The Court at the admission stage made the following Oral Order: (per Sri Devinder Gupta, CJ)

This petition is taken up on the basis of a letter received from the residents of Proddatur Municipality. Petitioners have made grievance against all the dyeing units located within Proddatur Municipality and prayed that action be taken against the Pollution Control Board for not taking steps for closure of the units.

Counsel for the respondent-Board has shown to us a copy of the letter dated 30.6.2004 of the Environmental Engineer, Tirupathi stating that closure orders were issued to all dyeing units located within Proddutur on 18.6.2004 with further direction to Superintending Engineer, Operation, A.P. Transco, Cuddapah to disconnect the power supply to such of the units. Subsequently, as per the direction of the Member Secretary, A.P. Pollution Control Board, Hyderabad and on request of the M.L.A. Proddatur a meeting was conducted with the owners on 10.6.2004 and the Board temporarily revoked the closure orders of all the dyeing units for a period of three months, i.e., upto 17th September, 2004, by considering their readiness to shift their dyeing units to an alternate site at a single point which is away from human habitation. This request, made by the dyeing units appears to be subject to the condition that Government would construct sheds for them at single point along with the common ETP and give them on lease and only on such construction of sheds, they would shift.

As a matter of fact, the Board should not succumb to any pressure of any kind. It is the responsibility of the Board to ensure due compliance of all the provisions of Environmental Law and to seek strict adherence of the said provisions. In case,

orders have already been passed which were temporarily revoked, it will be but necessary for the Board to take appropriate decision well before the expiry of the period of temporary suspension of the order that all concerned comply with the provisions of the Environmental Law and till such provisions are complied with, the unit holders are not permitted to continue their activity, which is not permissible in law.

Accordingly, we will close this petition with a direction to the Board to act in the manner aforementioned.

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DEVINDER GUPTA, CJ

Date: 16th August, 2004

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C.V.RAMULU,J

pnb

To

1. The Environmental Engineer, A.P. Pollution Control Board, Regional Office, Tirupathi.
2. The Municipal Commissioner, Produtur, Kadapa District.
3. The District Collector, Kadapa, Kadapa District.

4. Two C.Cs. to G.P. for Irrigation and Command Area Development, High Court Buildings, Hyderabad.

5. Two C.Cs to the Officer concerned PIL Cell, High Court of A.P. Hyderabad.

6. Two C.D. copies